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Presentment Date: November 13, 2017
Time: 12:00 p.m.

Objections Due: November 13, 2017
Time: 11:30 a.m.

Attorneys for the David R. Markin Estate

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DAVID R. MARKIN, individually and as trustee of
the David Markin Charitable Remainder Unitrust #1,
and David R. Markin Charitable Remainder Unitrust
#2, SOUTHPAC INTERNATIONAL TRUST LTD.,
as trustee of the David R. Markin 2003 Trust,
DAVID R. MARKIN 2003 TRUST, DAVID
MARKIN CHARITABLE REMAINDER
UNITRUST #1, DAVID R. MARKIN
CHARITABLE REMAINDER UNITRUST #2,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05224 (SMB)

**NOTICE OF PRESENTMENT OF ORDER RE: MOTION FOR SUBSTITUTION
PURSUANT TO FED. R. CIV. P. RULE 25 AND BANKR R. 7025 OF ESTATE OF
DAVID R. MARKIN FOR DEFENDANT DAVID R. MARKIN SOLELY IN HIS
CAPACITY AS HOLDER OF RELATED ACCOUNT CUSTOMER CLAIM**

PLEASE TAKE NOTICE that the estate of David R. Markin (the “Markin Estate”), through its Personal Representative, will present the attached proposed order pursuant to Fed. R. Civ. P. Rule 25 made applicable to bankruptcy proceedings by virtue of Rule 7025 of the Fed. R. of Bankr. P. substituting the Markin Estate for defendant David Markin, solely in his capacity as the holder of claim against Bernard L. Madoff Investment Securities LLC. A copy of the proposed order is annexed hereto as Exhibit A (the “Order”), to the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, for signature on **November 13, 2017 at 12:00 p.m.**

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the Order (“Objections”), shall (i) be in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules and General Orders; (iii) specify the name of the objecting party and state with specificity the basis of the objection(s) and the specific grounds therefore; (iv) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with a proof of service, and a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein, One Bowling Green, New York, New York 10004; and (v) be served upon Dentons US LLP, Counsel for the David R. Markin Estate, 1221 Avenue of the Americas, New York, New York 10020, Attn: Carole Neville, Esq., so as to be received no later than **November 13, 2017 at 11:30 a.m.**

PLEASE TAKE FURTHER NOTICE, that in the event any Objections are timely served and filed, a hearing may be held before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at a date to be scheduled by the Court, upon such additional notice as the Court may direct. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

PLEASE TAKE FURTHER NOTICE, that if no timely Objections are served or filed the proposed Order may be signed without a hearing.

Dated: November 2, 2017
New York, New York

Respectfully submitted,

DENTONS US LLP

By: /s/ Carole Neville

Carole Neville

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Attorneys for the David R. Markin Estate

Exhibit A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DAVID R. MARKIN, individually and as trustee of
the David Markin Charitable Remainder Unitrust #1,
and David R. Markin Charitable Remainder Unitrust
#2, SOUTHPAC INTERNATIONAL TRUST LTD.,
as trustee of the David R. Markin 2003 Trust,
DAVID R. MARKIN 2003 TRUST, DAVID
MARKIN CHARITABLE REMAINDER
UNITRUST #1, DAVID R. MARKIN
CHARITABLE REMAINDER UNITRUST #2,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05224 (SMB)

**ORDER RE: MOTION FOR SUBSTITUTION PURSUANT TO FED. R. CIV. P. RULE
25 AND BANKR R. 7025 OF ESTATE OF DAVID R MARKIN FOR DEFENDANT
DAVID R. MARKIN SOLELY IN HIS CAPACITY AS HOLDER OF
RELATED ACCOUNT CUSTOMER CLAIM**

Upon the motion (the “Substitution Motion”) of the estate of David R. Markin (the “Markin Estate”), through its Personal Representative, for an order pursuant to Fed. R. Civ. P. Rule 25 made applicable to bankruptcy proceedings by virtue of Rule 7025 of the Fed. R. of Bankr. P. substituting the Markin Estate for defendant David Markin, solely in his capacity as the holder of claim against Bernard L. Madoff Investment Securities LLC (“BLMIS”), which claim is referred to as the “Related Account Customer Claim” in connection with the Estate of David R. Markin’s Motion to Dismiss the First Amended Complaint and the Trustee’s Cross Motion for Leave to Amend the Complaint; and the Declaration of Carole Neville in support of the motion; the Trustee of BLMIS having filed his opposition to the Markin Estate’s Substitution Motion; and upon the arguments of counsel at the hearing before this Court on November 1, 2017; and after due deliberation thereon and sufficient cause appearing therefor; it is hereby:

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is granted.
2. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: _____, 2017
New York, New York

THE HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF SERVICE

I, Carole Neville, hereby certify that on November 2, 2017, I caused a true and correct copy of the foregoing *Notice of Presentment of Order re: Motion for Substitution Pursuant to Fed. R. Civ. P. Rule 25 and Bankr. R. 7025 of the Estate of David R. Markin for Defendant R. Markin Solely in His Capacity as Holder of Related Account Customer Claim* to be filed electronically with the Court and served upon counsel for parties to this action who receive electronic service through CM/ECF and as indicated to the parties listed below:

Via E-Mail and First-Class U.S. Mail

Keith R. Murphy
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Attorneys for Plaintiff, Irving H. Picard

Dated: November 2, 2017
New York, New York

/s/ Carole Neville
Carole Neville